

**Introduced by Senator Ortiz**

February 19, 2004

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An act to add Section 1418.05 to the Health and Safety Code, relating to long-term health care facilities.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1539, as introduced, Ortiz. Long-term care facilities.

The existing Long-Term Care, Health, Safety, and Security Act of 1973 establishes an inspection and reporting system and a provisional licensing mechanism to ensure that long-term health care facilities, as defined, are in compliance with state statutes, regulations, and standards pertaining to patient care. Existing law provides that a person who willfully or repeatedly violates provisions of the act is guilty of a misdemeanor punishable by a fine, imprisonment, or both.

This bill would require a long-term health care facility that has an exclusive contract with a health care provider, as defined, to honor a resident's request for treatment from a health care provider with whom the facility does not have an exclusive contract. By creating a new duty under the act, this bill would impose a state-mandated local program by changing the definition of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1418.05 is added to the Health and  
2 Safety Code, to read:  
3 1418.05. (a) A long-term care facility that has an exclusive  
4 contract with a health care provider shall honor a resident's request  
5 for treatment from a health care provider with whom the facility  
6 does not have an exclusive contract.  
7 (b) As used in this section, "health care provider" means a  
8 person licensed under Division 2 (commencing with Section 500)  
9 of the Business and Professions Code.  
10 SEC. 2. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

